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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,	C060309
Plaintiff and Respondent,	(Super. Ct. Nos. 07F03236,
	06F04466)
v.	
TERESA MORENO,	
Defendant and Appellant.	

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436.¹ Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 123-124.)

¹ Counsel filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Defendant Teresa Moreno was charged in Sacramento County Superior Court case No. 06F04466 with possession of methamphetamine and possession of MDMA. (Health & Saf. Code, § 11377, subd. (a).) Defendant pled no contest to possession of methamphetamine. The trial court imposed and suspended execution of a two-year prison sentence and placed defendant on Proposition 36 probation.

While defendant was on probation, she arrived at the home of an acquaintance while officers were conducting a probation search. After asking defendant if she was on probation, officers searched her and found two small baggies of methamphetamine, weighing .19 grams and .92 grams, respectively. They also found nine OxyContin pills and \$1,046 in cash. When officers handcuffed defendant, she declared she could not believe they were taking her to jail for selling "20-bag[s]" of crystal methamphetamine.

Defendant was charged in Sacramento County Superior Court case No. 07F03236 with possession of methamphetamine for sale (Health & Saf. Code, § 11378) and possession of OxyContin (Health & Saf. Code, § 11350, subd. (a)). It was further alleged that she had two prior convictions for possession and transportation of drugs within the meaning of Health and Safety Code section 11370.2, subdivision (c), and that she had served a prior prison term within the meaning of Penal Code section 667.5, subdivision (b).

Defendant pled no contest to possession of methamphetamine for sale and admitted a prior conviction for possession of a

controlled substance for sale within the meaning of Health and Safety Code section 11370.2, subdivision (c). In exchange for her plea, it was agreed the remaining charges would be dismissed and she would receive the low term of one year four months, plus three years for the enhancement, in case No. 07F03236. It was also agreed that probation would be revoked in case No. 06F04466 and defendant's previously suspended two-year sentence would run concurrently to the sentence imposed in case No. 07F03236.

The trial court imposed sentence in accordance with the plea agreement. It also imposed a \$1,000 restitution fine (Pen. Code, § 1202.4, subd. (b)) and stayed a \$1,000 parole revocation fine (Pen. Code, § 1202.45). The court also imposed a \$50 drug laboratory fee, a \$150 drug program fee, a \$20 court security fee, a \$213.37 jail booking fee, and a \$21.50 main jail classification fee.

Defendant appeals. She did not obtain a certificate of probable cause. (Pen. Code, § 1237.5.)

Our review of the record reveals an error in the abstract of judgment. The abstract incorrectly indicates that defendant's three-year enhancement was imposed pursuant to Penal Code section 667.5, subdivision (b). However, defendant admitted a prior drug-related conviction and received the three-year sentence enhancement pursuant to Health and Safety Code section 11370.2, subdivision (c). We will order

the abstract corrected accordingly.² (*People v. Mitchell* (2001) 26 Cal.4th 181, 185-186.)

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting that defendant's three-year enhancement was imposed pursuant to Health and Safety Code section 11370.2, subdivision (c) (not Pen. Code, § 667.5, subd. (b)), and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

SIMS, Acting P. J.

We concur:

HULL, J.

BUTZ, J.

² Our records reflect that on March 11, 2009, counsel for defendant wrote a letter to the trial court requesting that it correct the abstract of judgment in the manner in which it has been corrected in our opinion. To date, we have not received a response, nor a corrected abstract of judgment, from defendant or from the trial court.